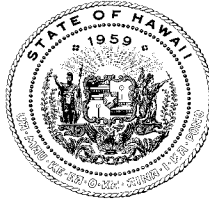
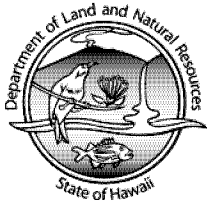


LINDA LINGLE  
GOVERNOR OF HAWAII



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BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
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FIRST DEPUTY  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION

**MINUTES**  
**O'AHU ISLAND BURIAL COUNCIL MEETING**

**DATE: WEDNESDAY, JANUARY 14, 2009**  
**TIME: 10:00 A.M.**  
**PLACE: DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**1151 PUNCHBOWL STREET, ROOM 132**  
**HONOLULU, HAWAII 96813**

**ATTENDANCE:**

Members: Kehau Abad                      Chuck Ehrhorn  
              Leimaile Ehia-Quiteves        Hina Falemei  
              Shad Kane                        Aaron Mahi  
              Kawika McKeague              Jace McQuivey

Absent: Cy Bridges (excused)  
          Kehau Kruse (excused)  
          Alice Greenwood (excused)  
          Andy Keliikoa (excused)

Staff: Linda Kaleo Paik, Cultural Specialist  
          Lauren Morawski, Archaeologist  
          Phyllis Coochie Cayan, History and Culture Branch Chief  
          Nancy McMahon, Archaeology Branch Chief  
          Rowena Somerville, Deputy Attorney General

Guests: David Shideler, Cultural Surveys Hawaii, Inc.  
          Hal Hammatt, Cultural Surveys Hawaii, Inc.  
          Nalani Dahl, RTD  
          Faith Miyamoto, Transit  
          Lawrence Spurgeon, Parson Brinkerhoff Hawaii, Inc.  
          Lisa Gollin, Cultural Surveys Hawaii, Inc.

Brian Cruz, Cultural Surveys Hawaii, Inc.  
Mishalla Spearing, Cultural Surveys Hawaii, Inc.  
Dominique Cordy, Cultural Surveys Hawaii, Inc.  
Kelly Ueyoka, Cultural Surveys Hawaii, Inc.  
Lani Maa Lapilio, Aukahi  
Kekuewa Kikilo, KSBE  
Ulalia Woodside, KSBE  
Hilarie Alomar, KSBE  
Kauai Burgess, KSBE  
Kealoha Kuhia, Ohana Kuhia  
Jean Rasor, Kahu o Kahiko  
Manu Suganuma  
Jason Jeremiah, OHA  
Keola Lindsey, OHA  
Paulette Kaleikini, Kaleikini Ohana  
Pauline Badayos, Badayos Ohana  
Sonya Baddayos, Badayos Ohana  
Anthony Benzon, Ohana Kalama  
Manu Mook  
Kano howailuku Koko  
Thomas Shirai  
Major David Hudock, Environmental Director MCBH  
June Cleghorn, Cultural Resource Management MCBH  
Coral Rassmussen, Cultural Resource Management MCBH

**I. CALL TO ORDER**

Quorum was established. Chair McQuivey called the meeting to order at 10:15 am and Falemei offered a pule.

**II. INTRODUCTION OF COUNCIL MEMBERS AND SHPD STAFF & ROLL CALL**

Council members and the SHPD staff introduced themselves. Attendance was duly noted for the record.

**III. OPENING REMARKS**

Chair McQuivey explained to the public the purpose of the meeting and the council's ground rules.

**IV. APPROVAL OF MEETING MINUTES**

Minutes were approved as submitted  
Ehrhorn/Falemei  
Vote: unanimous

**V. COUNCIL ACTIONS**

McQuivey exercised his prerogative as Chair to take action items out of order.

**A. Burial Site Component of a Data Recovery Plan for Mauna Lahilahi, Makaha Ahupua'a, Waianae District, Island of Oahu**  
**[TMK: (1) 8-4-001: 008, 009]**

**Informational/Discussion/Recommendation:** Presentation by TCP Hawaii LLC on the burial plan for the aforementioned property. Council discussion and recommendations on the project.

Paik and Morawski gave a brief overview of the burial plan. Morawski gave a summarized history of the disturbance. This burial plan does not have to be presented to the Council but staff felt that the issues out in Waianae are sensitive and the input of community and the Burial Council are appreciated in having the Division make a final determination.

Pauline Badayos gave a brief introduction of her family history to the Mauna Lahilahi area and their familial relationship and connection to the land. Her concern at the present time is the inclement weather that may cause further erosion of the site and cause more remains to be exposed. There is also the possibility of more remains being washed away due to the unusual amount of rain on the Waianae Coast (recent rains have caused extensive flood damages on the Waianae Coast). Her Ohana is in support of the Burial Plan and would like to see how the process can be expedited to re-inter, facilitate the screening process and get the burial site area completed.

Kuhia gave testimony that there was erosion that occurred in the area 5 years ago and remains were disturbed. Kuhia Ohana put in a claim for that original find. Now that more remains are discovered, he would like to know if the new discoveries will be re-interred with the original discovery. The Kuhia Ohana would like these remains given to the ohana, all recognized descendants, for speedy re-interment. He has already set claim to the area during the time of Kapeliela, Markell and Napoka. He has resubmitted his claim for these remains.

Cayan acknowledged that Kuhia has re-filed his claim to her at the last Council meeting. She is in the process of reviewing his claim and to determine what transpired in regards to his claim in the Division.

Kuhia would like to talk with the Badayos 'Ohana to see how the process can be moved along. The Kuhia 'Ohana's objection to all burials issues is the length of time transpired between discovery and reburial. The 'ohana's belief is to rebury as soon as possible for the protection of the remains.

Falemei felt that the Council should serve as a sounding board and guidance rather than an authoritarian role in regards to burial issues and descendant concerns. The main objective is to take care of the remains and to seek the best protection possible for the remains. She felt that descendants should come forward to share their concerns and recommendations to the Council as they are the 'ohana and not necessarily members of the Council. She expressed her appreciation for the two 'ohana that came forward and are willing to work together towards a final repose for the Kupuna and hope that other 'ohana do the same on other projects.

Koko expressed his view of the Hawaiian Kingdom in regards to the issues at hand mainly the protection of Kūpuna. He shared that all that is being done is illegal in regards to the Hawaiian Kingdom. The Hawaiian Kingdom was never legally obtained

and never gave up their right for sovereignty and therefore their right to make decisions on issues for Hawaiians such as burials. He believes that these issues should be handled by Kanaka Maoli. He does not place blame on the Council but rather pointed out the truth of the situation from a Hawaiian point of view.

Quiteves made a formal recommendation to support the 'ohana in their request to get the approval for the burial plan as soon as possible so that the burial site can be completed. Falemei added to the recommendation to encourage as many open discussions and positive interactions as possible so that the Hawaiian communities can holomua or move forward with taking care of the remains. Encourage and support the communities within and of themselves to manifest that ability to be able to determine how this will be done and come up with meaningful and significant things that all can be pono with.

Paik stated that the individual who wrote the plan lives in the mainland but is here for a short time to work on a project. Staff will be meeting with him shortly and will convey the sentiments of the descendants and the Council.

Quiteves/Ehrhorn

Vote: unanimous

**B. Kaka'ako Master Plan for Kamehameha Schools Property, Kaka'ako Ahupua'a, Kona District, Island of O'ahu**

[TMK: 2-1-30:01; 2-1-53: 4, 5, 27; 2-1-54: 1, 25, 27, 28, 32; 2-1-55: 1-3, 6, 9, 17, 18, 21, 26, 32-35, 38; 2-1-56: 2-3, 7, 8]

**Information/Discussion/Recommendation:** Presentation by Kamehameha Schools and Aukahi, LLC on the proposed master plan for the Kamehameha Schools property in the Kaka'ako Hawaii Community Development Authority.

A short informational briefing was given by Kamehameha Schools (KS) and Aukahi on the proposed master plan for the KS lands within the Hawaii Community Development Authority (HCDA) in the Kaka'ako area. A hand out was given to the Council as a reference for discussion. The community outreach for the project has already commenced including consultation with descendant groups. This project is working closely with SHPD, OHA, Hui Malama and Native Hawaiian Legal Corp.

Alomar explained that the project is still in the conceptual stage with no set designs or plans. The purpose of the presentation is to explain the vision for the area. There are 3 major components of the vision. One, the "Roots and Wings" which addresses the issues of knowing our routes and to create industry that will keep our young people in Hawaii instead of moving to the mainland for jobs. Two, "Urban Village", a designed neighborhood for urban lifestyle but also be conducive to health and wellness. Three, "Stewardship of the Land", which is most important to the mission of KS where the best use will be initiated to ensure protection and preservation of natural resources including burials. The concept for this area includes new building but also includes looking at existing buildings to retro fit into an upgraded use such as warehouse for open markets. The plan also calls for making this area a more "walker friendly" environment by improvements to sidewalks, greenery and accessibility to businesses and living areas. The

plan also addresses the five core values of KS: education, community, economics, culture and environment. Near term projects will include the green shaded areas approximately 29 acres mauka of Ala Moana Boulevard. The master plan as a whole is projected for the next fifteen years. Actual design of buildings will be done in the next 2-3 years.

Kikiloi said KS will keep the Council updated as the project moves along. There are basically three stages of study for the project. One is the ethno historic reports for each region. Garcia and Garcia (GANDA) have done the ethno studies. Some individuals interviewed for this region were Joe and Mary Kuala, Lucille Whitmarsh and Mikahala Turner. The second stage was done by geo-referencing maps of the area to get the historical landscape. Approximately 30 maps were used to depict land use over time. The third phase is the sub-surface investigation of the area. Makai of Ala Moana Boulevard was dredged and filled. KSBE feels confident that there will be no historic properties. The focus will be for the mauka properties (16 in total). There will be sampling of the old CompUSA property, then Keawe Street block, then the rest of the lands. KSBE is planning on coming before the Council for the next 3 months. Quiteves asked for a copy of the ethno study.

KSBE has hired Cultural Surveys to develop an Archaeological Inventory Plan (AIP) for the 16 properties. The plan will be evaluated on the following areas: previous archaeological findings, ethno research that was done previously, geo technical information such as strata graphic information to determine where undisturbed natural deposits are located and field work results using non-intrusive methods such as ground penetrating radar. All of the background will be compiled and start to develop a strategy for each property and get the plan approved by SHPD. To move the project along, the AIP will be in three phases, the Comp USA property, Keawe block and then the rest of the properties. The strategy will be to go into the areas that are less complicated first.

Quiteves has concerns about the work done by GANDA and cautioned KS to scrutinize their findings in moving forward. She has intimate knowledge of their work. She wished to share that progress cannot be paved over the desecration of the Kupuna and the 'aina.

Ehrhorn had three questions: one, what were the lessons learned from other projects in the area? Maa-Lapilio shared that the project will get information earlier rather than later, start active consultation with descendants, truly listen to all concerned parties, and do extensive testing. Second, to what extent has KS integrated with the Ward plan? Alomar affirmed that KS is actively working with the Ward plan in terms of walkways, greenery and aesthetic concepts. Third, what plans will there be for Mother Waldron Park? Alomar answered by saying that the plan is to keep the land as a park and provide maintenance and upkeep as well as provide programs for the neighborhood.

Kikiloi added that the difference between the GGP project and KS plan is that the Archaeological Inventory Survey (AIS) work will be done in advance of the project design which gives opportunity for input by all concerned parties.

Falemei commented as the project proceeds and revisions are made due to findings, a statement should be included in the early plans that address what will be done in case of

discoveries. This will be a more proactive approach instead of waiting for a find and then make recommendations as to how best to proceed. Also, use historical names and terms in the plans instead of the more commonly used names and terms of today or even going back to 100 years ago. Our culture gave names for a reason and most times it described an event or significance of the area.

Quiteves asked how many previously identified burials have been found for this project area and how many have been re-interred. CSH answered that there are no reports of burials found for the project area. However, KS has taken remains from other projects and re-interred those on their properties. The Council will be kept in the loop should new information be made available. Quiteves asked for maps and KS will make those available to the Council.

McKeague expressed that KS is setting an example for future projects and serves as a model to other developments in regards to burial sites. The area was used for light industrial and asked if testing for toxic materials was done. KS responded that the testing has been done. McKeague commented that in regards to design consideration for the physical structures, often times development makes spaces for the Kūpuna in the outskirts of the main project area. UH Mānoa's Hawaiian Studies complex has the Kūpuna as the piko or center of the complex. McKeague would like to see that kind of concept developed for this plan. This way the people are amongst the Kūpuna in their daily lives.

Kane thanked KS for including culture in their plans as in the past this was not the case.

The Kuhia 'Ohana had placed a claim for the area and has documentation to verify their claim and will claim for the Kūpuna if discovered. The Kuhia 'Ohana would like to know from KS whether the Kūpuna will be re-interred right away or left on shelves until the project is completed. His 'ohana has voiced and will continue to voice their preference for immediate reburial.

Falemei asked that descendants make it known ahead of time to the project their desire for kuleana. She also stated that KS is an Ali'i Trust and should be even more aware of the sacredness of kuleana, respect and protection for the Kūpuna. Also, the expectation is for KS to do what is pono because they should know better unlike other mainland developers who may not be aware of our culture.

Rasor stated that KS should take the high road on this project especially since they are an institution that should be more culturally sensitive and proactive regarding the protection and care of Kūpuna. He asked KSBE not to take short cuts or think that they have special privileges and to place Kūpuna and historical sites as top priority on all of their projects.

**C. Recognition for Lineal/Cultural Descendants**  
**Remains inadvertently discovered near Pu'uiki Cemetery**  
**Kamananui Ahupua'a, Waialua District, Island of O'ahu**  
**[TMK: (1) 6-7-001:51]**

**Information/Discussion/Determination:** Staff recommendation for cultural descendant

recognition for Thomas Shirai for the remains found on the subject property and re-interred at the adjacent Pu'uiki Cemetery. Council determination on the recognition status for Thomas Shirai.

Paik read to the Council the recommendation for Cultural Descendancy recognition for Thomas Shirai to the above subject property.

Quiteves knows of Shirai and his kuleana for Kūpuna in the district. She supports his claim.

Abad asked if notation can be included for the other ahupua'a Shirai has been recognized for.

Cayan stated that the Culture Branch is in the process of meeting to discuss the process in which recommendations will be drafted and presented to the Council. The Division will be consulting with the AG's office to make sure that information be presented in accordance to Hawaii Administrative Rules. But there was no objection to the claim going to vote.

Paik explained that according to the rules, if a descendant has signed a confidential statement, the Division cannot disclose information in the recommendation. That was the reason no names were given in the written recommendation.

Shirai gave a brief summary of the chain of events that led to legislation to protect burials and also a historical background for this particular burial. Dole Foods dug a pit to build a sand pile to block off access on the dirt road adjacent to the Pu'uiki Cemetery. Shirai was involved in the original re-interment of this particular Kūpuna in 2003. This discovery is a secondary disturbance of the original re-interment of 2003. Dole Foods has granted temporary permission to rebury this Kūpuna in the Pu'uiki Cemetery. Shirai is working with Dole Foods to offer permanent protection of the cemetery from vandalism and disturbance.

A motion was made to have the Council accept the Division's recommendation to recognize Thomas Shirai as a cultural descendant as stated in DOC NO: 2009.0396 LOG NO: 0901KP02. In addition, the Council is aware that some of the language may be changed to be compliant with Hawaii Administrative Rules but these changes will not affect the outcome of the vote.

Quiteves/Ehrhorn

Vote: unanimous

Shirai added that he has registered burials from the cemetery in the past and noted that he has ancestors who are buried in the cemetery.

Kuhia has also made a claim to this ahupua'a in the past but his claim was not followed through. Cayan is in receipt of his paperwork from the December meeting and is in the process of reviewing the documents. Kuhia also mentioned that Analu Josephedis has reviewed some of his genealogy in the past and can assist the Division in the review.

- D. Informational Update on the Honolulu Rapid Transit Honouliuli, Ho‘ae‘ae, Waikele, Waipi‘o, Waiawa, Mānana, Waimano, Waiau, Waimalu, Kalauao, ‘Aiea, Hālawā, Moanalua, Kahauiki, Kapālama, Nu‘uanu, Pāuoa, Makiki, Mānoa, and Waikīkī Ahupua‘a, ‘Ewa and Kona Districts, Island of O‘ahu**  
**[TMK: Various]**  
**Information/Discussion/Recommendation:** Council discussion and recommendations on the project.

Abad gave a brief summary of the task force meeting on January 7, 2009 with the Transit team. In attendance were Kane, Falemei and Abad along with various members of the Transit team. There were two major areas of discussion in terms of the draft Programmatic Agreement (PA).

- 1) ensure that the process not short change the efforts of an Archaeological Inventory Survey (AIS) in areas that may not seem to have burials. Not to work on assumptions but be more cautious and careful. Ex: not to overlook the Ewa plains because reports from the past do not cite many discoveries.
- 2) in the PA many of the archaeological and burials plans are referenced and the committee wanted assurances that the Council get to review these plans for recommendations. One of the abbreviated draft AIS plans was given out at the tour and the Council needs to make recommendations to this plan so that revisions can be made.

Kane wanted to make sure that an educational component be in place for all parties involved in the project to educate them ahead of time should a burial be discovered and the steps that need to be taken. There has been reliance on previous work to make determinations for probability of discoveries which may cause parties conducting the work complacent. This educational component would assist in keeping all members of the project aware of the probability of discoveries. This training should be ongoing throughout the project.

There was no recommendation from the Transit Task Force at this time.

- E. Marine Corp Base Hawaii Projects Update**  
**Information/Discussion:** Presentation by MCBH to discuss projects at the Marine Corp Base. Council discussion and recommendations.

Representing the Marine Corp Base Hawaii were Major David Hudock, June Cleghorn and Coral Rasmussen. Hudock gave a summary of the consultation process that has been used on the Base. For the Mōkapu consultation prior to Hudock’s tenure, a decision was made to consult with families that were active and responsive. Since Huddock has taken over the helm, one claimant family has expressed a concern over that procedure which prompted the consultation process to include all claimants regardless of their participation in every project that requires such consultation. This is the reason for the number of correspondence the OIBC has been receiving as a consulting party under the



106 process. Other parties to this consultation process are SHPD and 16 'ohana families. There have been meetings which have been attended by approximately 75% of the claimants. The Cultural Resource Management staff review all projects that have possible ground disturbance, historical buildings, archaeological sites and burials. There are procedures in place that take into account all previously identified archaeological areas on the base. Determinations are made in reference to these sites before projects can proceed. Information used is based on studies that have occurred within the past several years. The Mōkapu Peninsula is broken into different archaeological zones based on levels of sensitivity. The Base takes into account local history such as the use of sand from the sand dunes during construction prior to the present laws being established which may have caused transition of remains from the sand dunes to those older constructed homes.

Cleghorn gave 3 handouts for the Council for their review: 1) map with archaeological sensitive zones, 2) map showing known archaeological sites, 3) map of past inadvertent discoveries.

Quiteves asked if there is a map that would show the inadvertent finds. Cleghorn explained how to look at the maps for that information. McQuivey asked over what period of time were the inadvertent discoveries found. Rasmussen answered that it was from the 1970's. Quiteves asked how many remains were disturbed.

Cleghorn gave a brief history of the discoveries. The northern peninsula has a region of high vegetated sand dunes and from 1938-1940 Bishop Museum and University of Hawaii did a systematic excavation where they recovered from 3 specific areas of that sand dune remains and curated those remains at the Bishop Museum. The reason for the disinterment was that the Military was acquiring parcels of the entire peninsula. They established a naval air station that became Marine Corp Base Hawaii (MCBH). Prior to 1942 only half of the run way was completed and the rest was completed during the war. In 1998 the repatriation process began for the remains at Mōkapu. However, the reburial has not happened. Soon after the repatriation claimants came forward and requested that the remains be re-interred at the Mōkapu peninsula. The Military has committed to the reburial and have been working with the claimants toward that end. The claimants have asked the Base not to discuss reburial issues and remains in general at a public forum. However as projects proceed, according to 106 consultation, there needs to be information made available to public agencies as well as claimants. At present, there are approximately 1600 remains not reburied. However, this does not necessarily mean whole individuals. Some individuals are represented by fragments.

Quiteves asked in reference to one of the maps, why the high sensitivity area stops at Kū'au. She pointed out that Kū'au has sacred significance and should be considered highly sensitive as well. Abad supported Quiteves in that the map depicts the peninsula of Kū'au has having low sensitivity and wanted to know the rationale for the map designation. Rasmussen explained that the peninsula is mostly basalt and coral outcrop which would make the assumption of fewer discoveries of burials. Cleghorn explained that the sensitivity zones were based on previous archaeological data and dependant on the different deposits in the area. The first maps were done in the 70's and since then the

boundaries have been expanded as more sand deposits were identified.

Quiteves asked if an ethnographic study was conducted for the area. Cleghorn answered that an oral history study was done in 1995 and specific to a housing project but the ethnographers included the peninsula. Quiteves asked if Kuau was mentioned in the study. Her concern is that this site in relationship to the area is significant because of the Ku, Hina and Kū'au. She also voiced her concern that in totality in the State, much of the sacred and burial sites have been desecrated or destroyed which leaves a small portion left that must be protected before any more is lost.

Rasmussen related to the Council that her department realizes the maps are old and outdated and will update the boundaries which will accurately display the areas of sensitivity. Cleghorn clarified that the map is based on archaeology and used to look at what are underground. The map is a tool and should not be viewed as the only source of information in which decisions are made. Each case or project will be taken individually and analyzed according to many sources of information. The Base is aware of the Hawaiian cultural issues and will take into consideration all sites from that perspective.

Ehrhorn asked about the archaeological sensitivity map and to what is it sensitive to. Cleghorn answered that this map is a tool to educate the Base population on sensitive areas both archaeologically and in respect to burials and to ensure that projects report what they are planning to do with the Cultural Resource Management office for determination before proceeding.

Ehrhorn considered there are two levels of sensitivity, 1) to burials and 2) to archaeological sites. He asked the Base to consider having two sensitivity maps. Hudock thanked Ehrhorn for the comment but reiterated that the maps are a tool and does not reflect how decisions are made on the Base. However, he will take into consideration having two separate maps.

Ehrhorn commented that if the inadvertent finds map and the sensitivity maps are superimposed on each other, there are burials in the blue area. Cleghorn answered that this was an example of where the sand was taken from the dunes and used during construction. These are isolated finds that are secondary deposits or remains that came from elsewhere and deposited for whatever reason in another location.

Kane asked about access for traditional practice and if MCBH has a policy addressing the issue of cultural access. Hudock does not recall having a written policy addressing this issue but he has been open in granting access for traditional practices. The Base is aware of the cultural significance of Mōkapu and anyone wishing to have access, he does not see a problem.

Abad suggested that a Programmatic Agreement (PA) with a wide array of interested parties including the family claimants, OIBC, OHA and other Hawaiian organizations be drafted to address reburials and concerns. There is an alarming practice being done now and when played out provides barriers for best effective outcomes. In regards to consultation, the practice at present dictates when consultation will occur and with whom.

The PA developed by a wide array of folks would give different views on what may trigger consultation than those already determined. Another point is the many correspondence received by the OIBC does not allow for comments to be given as a consulting party. The PA would allow the Base to have more predictability in what needs to be done and allow for concerned parties predictability in providing a clear outline as to where to implement their responsibility and where these responsibilities lie. This will also allow for effective communication between parties. Hudock responded that the Department of Defense is working on a consultation protocol. If the protocol does not address the concerns expressed, a PA could be drafted that is more localized and specific to Mōkapu. There is a draft Comprehensive Agreement (CA) under NAGPRA Regulations that was drafted a few years ago but it has not been executed. By 2009 there will a draft that can be distributed. The difference between the two agreements is PA comes under 106 where as CA comes under NAGPRA. Abad gave as an example the PA would address the map and how the groups would make a determination as to what constitutes high and low sensitivity. It was suggested that the 106 Task Force meet more often with MCBH.

Rasor commented how Pōhakuloa Training Camp has created an Advisory Board that meets every month and the base commander attended. Maybe this could be a model for forming a similar Board for MCBH that would serve as a better means for communication between the OIBC and the Base.

McQuivey suggested that MCBH be a regular item on the agenda. Also use the 106 Task Force to meet with the Base. The OIBC offered their support to get the process moving. Cleghorn asked if MCBH should attend the monthly meeting to address correspondences. McQuivey liked the idea and noted that the discussion should be focused on correspondence from the month or any that were not addressed earlier so as to keep the Council on track and give immediate comments on projects currently being worked on. An update of current projects would be given each month.

Falemei voiced that the PA be written in such a way as not to exclude practices just because it was not written in the PA. There needs to be flexibility in the PA that is sensitive to the Hawaiian belief system. The name of Mōkapu is sacred and therefore the area is sacred. There needs to be advocacy for proactive measures in preparation for finding discoveries. There needs to be a spot designated for a repository on Base to properly care for the remains and other moepu that have been discovered. Also families have come forward not to take the remains from the site but to ensure these remains are properly cared for in the place where they were originally buried. MCBH could be a model for other bases to follow in regards to stewardship of good standing within the Hawaiian community. Falemei suggested that a formal Council recommendation be made to the Base, aside from formal agreements, that would suggest preferred types of actions the Council would like to see the Base do. Cleghorn asked if there was a Council member attending the claimant meetings. McQuivey stated that the Council does not have a designated member at this time. Mahi volunteered to represent the Council at the claimant meetings and report back any pertinent discussion items. McQuivey asked that for the time being that he be the point of contact for the OIBC.

Quiteves asked if there has been a designated site for the reburial. Hudock informed the Council that the families are getting together to finalize the site. Quiteves asked if there is a timeline for the re-interment. There is no timeline set at this time.

Abad wanted to make sure that the long term goal of a 106 related PA be done instead of a NAGPRA related CA.

McQuivey reiterated the commitment of the OIBC to dedicate a portion of each meeting to address concerns at the Base.

**F. Legislative Task Force**

**Information/Discussion/Recommendation:** Council discussion and recommendation update on possible items for the 2009 legislative packet.

The only issue McQuivey had was the terms of the OIBC as 6 members terms will be done on June 30, 2009. Paik gave an update on the progress of these positions. Mahi, Greenwood and Kawika are reapplying and have either sent in their application or are in the process of doing so. Abad confirmed during the meeting that she will also reapply. The concern is for the 2 land owner/developer seats. Paik is continuing her search for possible applicants. Paik asked the Council to provide names for follow up. There is criteria attached to the position in terms of acreage and state agencies are excluded.

McMahon said SHPD has only one bill that is being looked at Act 228. She gave a brief overview of the bill and the problems that has been caused by new requirements in regards to archaeological inventory survey, architectural building permits and such.

**G. Status Update on Section 106/NAGPRA Correspondence**

**Informational/Discussion/Recommendation:** Report from the council's designees established to screen the review of Section 106/NAGPRA Correspondence. Council updates, discussion and recommendations.

No report.

**VI. SHPD INADVERTENT DISCOVERY REPORT**

**A. Across from 51-062A Kamehameha Highway  
Ka'a'awa Ahupua'a, Ko'olau Loa District, Island of O'ahu  
[TMK: (1) 5-1-13:  
Informational/Discussion**

Remains were retrieved in the area from sand erosion. The remains were found protruding from under the shoulder of the road. Only the remains that could be seen were removed as there was a concern regarding the integrity of the road being compromised if remains were dug out too far under the shoulder. The remains are being curated at the State repository. The issue at hand is to see what mitigation measures are needed to prevent further erosion of the roadway. There have been several discoveries along this stretch of beach. Some of the Ka'a'awa Kūpuna that was interred in Kualoa came from this area. This area is sensitive and there will be more discoveries unless some measure

is instituted.

**B. Near 55-285 Kamehameha Highway  
Lā'ie Ahupua'a, Ko'olau Loa District, Island of O'ahu  
[TMK: (1) 5-5-01:  
Information/Discussion/Recommendation**

This discovery was of a partial skull that was washed up on the bank of a river. The assumption is that due to the heavy rains, the partial skull was washed from its original site to this lower site. There was no other evidence of remains in the area. The medical examiner took custody of the skull. No determination of age, ethnicity or gender could be made as there was no context in the area of the find.

**C. 2826 Mānoa Road  
Mānoa Ahupua'a, Kona District, Island of O'ahu  
[TMK: (1) 2-9-016:052  
Information/Discussion/Recommendation**

During construction of a footing the remains were found. Half of the remains were in situ and the other in the back fill. SHPD approved the disinterment and reburial will be on site.

**VII. ADJOURNMENT**

Ehrhorn asked if at some point a presentation be made to give a history of the discoveries at Mōkapu and what transpired over time.

Meeting was adjourned at 1:55 pm.

McQuivey/Ehrhorn  
Vote: unanimous

Respectfully submitted by,

Linda Kaleo Paik